

PATENT  
Docket No: CX03022USU (04CXT0006D)  
Serial No.: 10/751,013

REMARKS

STATUS SUMMARY

Claims 1-22 are pending in the present application. Claims 1-3, 5-7, 10-14, 16-19 and 22 are rejected. Claims 4, 8, 9, 15, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In this paper, Applicant has amended claims 15-22, canceled claim 14 without prejudice, and added new claims 23-27.

Applicant has considered the above-identified Office Action and cited references, and replies as set forth below to place the application in condition for allowance.

CLAIM OBJECTIONS

The Examiner noted that the present application as filed contained two claims numbered as "15" and indicated that misnumbered claims 15-21 have been renumbered 16-22. Applicant thanks the Examiner for calling attention to this oversight, and has amended claims 16-22 to reflect the renumbering and to change the dependency of certain claims to conform to the renumbering.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1-3, 7, 12-14, 18, 19 and 22 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,043,206 to Herdey et al. ("Herdey"). Applicant respectfully traverses this rejection in view of the discussion below.

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Claim 1 recites "an attenuator within the DC feedback correction servo-loop." The function of the attenuator is described throughout the present application. In the above-identified Office Action, the Examiner contends that "the filter 110 [of Herdey] reads on the attenuator as claimed because the filter 110 attenuates the frequency components that are outside of its low pass band." However, Herdey teaches that this low-pass filter 110 functions merely to smooth out the signal outputted from the low-pass filter 110 to the summing device 102, as is conventional for low-pass filters. A simple integrator is an example of such a low-pass filter. Herdey does not teach that this low-pass filter 110 would function to reduce the effects of the forward gain of the baseband section in the manner taught in the present application. Therefore, Applicant respectfully submits that claim 1 does not read on the subject matter taught by Herdey.

Claims 2, 3 and 7 depend directly or indirectly from claim 1, and therefore are patentable for at least the same reasons as set forth above regarding claim 1.

Independent claim 12 recites "means for producing an attenuation coefficient  $k_b$  within the DC feedback correction servo-loop." Therefore, claim 12 is patentable for at least the same reasons as set forth above regarding claim 1.

Claims 13 and 14 depend directly or indirectly from claim 12, and therefore are patentable for at least the same reasons as set forth above regarding claim 12.

Independent claim 18 recites "attenuating the processed feedback signal with an attenuation coefficient  $k_b$  to create an attenuated feedback signal." Claim 18 is therefore patentable for at least the same reasons as set forth above regarding claim 1.

Claims 19 and 22 depend directly or indirectly from claim 18, and therefore are patentable for at least the same reasons as set forth above regarding claim 18.

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In view of the foregoing, Applicant respectfully submits that claims 1-3, 7, 12-14, 18, 19 and 22 are patentable under 35 U.S.C. § 102(e) over Herdey. Therefore, Applicant respectfully requests that this rejection be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 5, 6, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herdey. Applicant respectfully traverses this rejection. Claims 5 and 6 depend indirectly from claim 1, and therefore are patentable for at least the same reasons as set forth above with regard to claim 1. Likewise, claims 16 and 17 depend indirectly from independent claim 12, and therefore are patentable for at least the same reasons as set forth above with regard to claim 12.

In view of the foregoing, Applicant respectfully submits that claims 5, 6, 16 and 17 are patentable 35 U.S.C. § 103(a) over Herdey. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herdey in view of U.S. Patent No. 6,459,889 to Ruelke ("Ruelke"). Applicant respectfully traverses this rejection. Claims 10 and 11 depend directly or indirectly from claim 1, and therefore are patentable for at least the same reasons as set forth above with regard to claim 1. Moreover, claims 10 and 11 each recite "a controller in signal communication with the baseband section and the attenuator." Ruelke fails to teach or suggest such a controller. Referring to Figure 1 of Ruelke, Ruelke's controller 162/168 is in signal communication with an amplifier 164/170 and not with an attenuator.

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In view of the foregoing, Applicant respectfully submits that claims 10 and 11 are patentable 35 U.S.C. § 103(a) over the combination of Herdey and Ruelke. Therefore, Applicant respectfully requests that this rejection be withdrawn.

AMENDMENTS TO SPECIFICATION

Applicant has amended certain paragraphs of the specification for purposes of improving clarity and/or correcting typographical errors.

OTHER CLAIM AMENDMENTS

Applicant has canceled claim 14 without prejudice as being duplicative of its independent claim 12. Applicant has amended claim 15 to change its dependency in view of the cancellation of claim 14.

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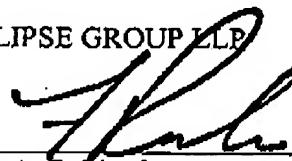
**CONCLUSION**

In light of the above remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited. However, if the Examiner believes that the Amendments and Remarks do not place the application in condition for allowance, Applicant respectfully requests an Advisory Action.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Office Action.

Respectfully submitted,

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